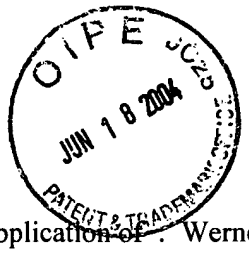
P21489.P08



GREENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Attorney Docket No. P21489

In re application of : Werner BRETTSCHNEIDER et al.

Mail Stop Amendment

Application No. : 10/023,995

Group Art Unit: 8163

Filed : December 21, 2001

Examiner: M. Alvo

For : PROCESS FOR MANUFACTURING SCREENS SUITABLE FOR USE IN WET SCREENING FIBROUS PAPER SUSPENSIONS

Mail Stop Amendment
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an **Election with Traverse** in the above-captioned application.

____ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

____ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

____ A Request for Extension of Time.

__X__ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 44	44	0	x 9=	$	x 18=	$0.00
Indep. Claims: 2	3	0	x 43=	$	x 86=	$0.00
Multiple Dependent Claims Presented			+145=	$	+290=	$0.00
Extension Fees for ____ Month(s)				$		$0.00
			Total:	$	Total:	$0.00

* If less than 20, write 20
** If less than 3, write 3

____ Please charge my Deposit Account No. 19-0089 in the amount of $_____.

____ check in the amount of $_____ to cover the filing/extension fee is included.

__X__ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

__X__ Any additional filing fees required under 37 C.F.R. 1.16.

__X__ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

Neil F. Greenblum
Reg. No. 28,394 #35,043

P21489.A04

Customer No.: **7055**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Werner BRETTSCHNEIDER et al.	Confirmation No.: 8163
Appln. No.	: 10/023,995	Group Art Unit: 1731
Filed	: December 21, 2001	Examiner: M. Alvo
For	: PROCESS FOR MANUFACTURING SCREENS SUITABLE FOR USE IN WET SCREENING FIBROUS PAPER SUSPENSIONS	

ELECTION WITH TRAVERSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's restriction requirement of May 18, 2004, the time set for response being one month from the mailing date from the U.S. Patent and Trademark Office, i.e., June 18, 2004, Applicants hereby elect the invention of Group I, including claims 1 - 22. The above election is made with traverse for the reasons set herein below:

In the Restriction Requirement of May 18, 2004, the Examiner indicated that all claims (1 - 44) were subject to restriction under 35 U.S.C. § 121. The Examiner restricted the claimed invention into Group I, including claims 1 - 22, drawn to a process of making a screen, classified in class 29, subclass 525.01; and Group II, including claims 23 - 44, drawn to a screen, classified in class 210, subclass 498.

The Examiner asserted that the inventions were related as process of making and process made, and that the inventions are distinct from each other under M.P.E.P. § 806.05(f) because the

"process can be used to make a different product, e.g., can be used to make a screen without a plurality of sorting apertures and could make a screen only with fastening openings."

Applicants respectfully submit that the Examiner has omitted one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. That is, as set forth in M.P.E.P. § 803, "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if the restriction requirement were not required.

While the Examiner has alleged a possible distinction between the two identified groups of invention, the Examiner has not shown that a concurrent examination of these groups would present a "serious burden" on the Examiner. In fact, while the Examiner has noted that the individual groups would be classified in different classes, there is no appropriate statement that the search areas required to examine the invention of group I would not overlap into the search areas for examining the invention of group II, and vice versa. Applicants respectfully submit that the search for the combination of features recited in the claims of the above-noted groups, if not totally co-extensive, would appear to have a very substantial degree of overlap.

Because the search for each group of invention is substantially the same, Applicants submit that no undue or serious burden would be presented in concurrently examining Groups I and II. Thus, for the above-noted reasons, and consistent with the office policy set forth above in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement in this application.

For all of the above reasons, the Examiner's restriction is believed to be improper. Nevertheless, Applicants have elected, with traverse, the invention defined by Group I, in the event

that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted
Werner BRETTSCHNEIDER et al.

Neil F. Greenblum
Reg. No. 28,394 #35,043

June 18, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191